

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA

FILED  
APR 09 2010  
*[Signature]*  
CLERK

SOUTHERN DIVISION

\*\*\*\*\*

DONALD E. MOELLER,

CIV. 04-4200

Petitioner,

-vs-

JUDGMENT

DOUGLAS WEBER, Warden,  
South Dakota State Penitentiary,  
Respondent.

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In accordance with the March 31, 2009 Memorandum Opinion and Order denying Habeas Corpus Relief under 28 U.S.C. § 2254 and the Memorandum Opinion and Order Denying Motion for Rule 59(e) Relief issued on today's date,

IT IS ORDERED, ADJUDGED AND DECREED that Petitioner's Third Amended Petition for Writ of Habeas Corpus relief under 28 U.S.C. § 2254 is denied.

Dated this 9<sup>th</sup> day of April, 2010.

BY THE COURT:

*[Signature: Lawrence L. Piersol]*

Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *[Signature: Summer Wahlgren]*  
(SEAL) DEPUTY